

REMARKS

Claims 1-4, 6-9, 11-16 and 18-19 are pending in the above-identified patent application. By this Amendment, claim 5 is canceled and the specification and claims 1, 3, 6-8 and 19 are amended. No new matter is added. Reconsideration of the application is respectfully requested in view of the above amendments and the remarks set forth below.

The Office Action objects to the drawings because it is asserted that the reservoir in contact with the membrane must be shown. Applicants have added a new Fig. 6 showing the reservoir in contact with the membrane. It is noted that, when device is put together, the membrane 8 is sandwiched between the frame means 7 and 9. The membrane then migrates through the hole in frame means 7 so that it rests on padding 6, as shown in the originally filed Figures. Applicants have thus amended Fig. 3A appropriately.

Approval of the attached "Submission of Formal Drawings," including approval of new Fig. 6 and corrected Fig. 3A is respectfully requested.

The Office Action rejects claims 1-9, 11-16 and 18-19 under 35 U.S.C. 103(a) as being obvious over Kedar et al. (U.S. Patent No. 6,045,325) in view of Shepel (U.S. Patent No. 4,317,726). This rejection is traversed as it may apply to the amended claims.

Applicant has amended the claims to define that the reservoir-rack has positions in an asymmetrical pattern into which the reservoir can be placed.

Thus, the present invention describes a reservoir-rack having "**positions for the reservoir** (i.e the through holes) asymmetrically placed", see fig 5 A-E. Hence, rotation

of the reservoir-rack will alter the footprints of the "positions for the reservoir" on the membrane directly below it.

The present claims do not define the **act of placing reservoirs** into the reservoir-rack. See the present specification: Page 9, lines 27-30, page 4, lines 1-8, which discusses the asymmetric feature of the "positions for the reservoirs". Fig. 4 & 5 shows asymmetrically placed positions for reservoirs, with reference to the arrow marking and cross marked (Fig. 5 A-E) of the reservoir-rack.

This feature of the invention can be permanently etched in the frame and hence can not be altered by users of the invention. This is in marked contrast to allowing one to asymmetrically place reservoirs in a reservoir-rack.

In Kedar Fig 3, the positions for the reservoirs (**16**), i.e. through-holes, are symmetrically positioned in the frame. The notch on the frame adjacent to the plate mark 20 will prevent and denies any notion of movement of the plate. Irrespective of the movement of the plate, the footprint of the reservoir positions (through-holes) below the rack will not change.

In fig 5F, the positions for the reservoirs are symmetrically placed in the reservoir-rack **24**. Kedar indicates at column 11, lines 14-16, that top plate 12 rests on bottom plate 14, with wells 16 of top plate being received into a plurality of holding vessels 22. In column 13, lines 58-62, it is indicated that top plate rests on bottom plate 50. Hence, the cited reference denies any notion of movement of the reservoir-rack; on the contrary, the structure limits top plate 12 to resting on the bottom plate and maintaining a constantly single footprint.

Similarly, Shepel contradicts any notion of movement of the reservoir-rack and formation of more than one footprint of the reservoir-rack (through-holes) below. In Shepel , (column 4, lines 56-58) cover plate 12 comprises a plurality of inlet ports 14 which are provided for correspondence and axial alignment with support and drain assemblies 8 disposed in base 2. In column 6, (lines 39-45) the alignment means may comprise paired diametrically opposed set pins 52 and 54, which will restrict the movement of reservoir-rack to just one.

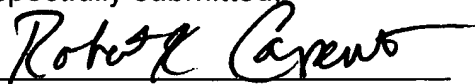
Thus, as elements of the present claims, including a reservoir-rack that has positions in an asymmetrical pattern into which the reservoir can be placed, are missing from the teachings of Kedar and Shepel, it is respectfully submitted that the presently claimed invention would not have been obvious over the combination of Kedar and Shepel.

For at least the above reasons, the presently claimed invention is not anticipated by and would not have been obvious over any of the applied references, alone or in any combination. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. 103(a).

In view of the above amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly solicited. Should the Examiner believe anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

In the event this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to Counsel's Deposit Account 01-2300, referring to client-matter number 108904-00004. Thus, please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, making reference to Attorney Docket No. 108904-00004.

Respectfully submitted,



Robert K. Carpenter
Registration No. 34,794

Customer No. 004372
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810